REMARKS

I. Drawings

Figures 17, 18 and 20 were objected to as being informal. Formal replacement sheets are provided herewith. No new matter added.

II. The 35 U.S.C. §103 Rejections

Claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent App. Pub. No. 2002/0007402 to Huston et al ("HUSTON") in view of U.S. Patent No. 6,148,340 issued to Bittinger ("BITTINGER"). Applicant respectfully traverses the rejections.

It is axiomatic that the combination of the cited references in a §103 rejection must disclose every element in the rejected claim. MPEP 2143.03. The Examiner acknowledged that HUSTON does not disclose a record corresponding to a set of files as recited in the claims. The Examiner relied on BITTINGER for allegedly disclosing the recited record.

A. Claim 1

Amended claim 1 recites the step of periodically checking a set of records, each of the set of records corresponding to a set of files and including a plurality of fields indicating at least an update status relating to the set of files. For example, without limitation, each record may include fields indicating whether a corresponding application is out-of-date, whether the record has expired, whether an estimated update interval has timed-out, etc. See Specification[1], page 10, lines 7-30.

In contrast, BITTINGER discloses the use of a container architecture and CRCs to allow for selective updating of container objects. BITTINGER, col. 3, lines 54-56.

[1] The embodiments disclosed in the specification are merely exemplary and should not be construed to limit the scope of the claims to only the exemplary embodiments described.

Each container includes a directory and multiple objects. BITTINGER, col. 3, lines 56-58. A server side interceptor (SSI) forms a catalog of all containers based on each container's directory and headers of each object included in that container. BITTINGER, col. 3, lines 58-61.

When the SSI receives a new container with the same name as a cataloged container, the SSI compares an identifier of the new and old containers to determine whether an update of the old container is needed. BITTINGER, col. 4, lines 2-8.

> The present invention utilizes the characteristics of the container architecture and CRCs to allow for the selective updating of container objects ... the present invention constructs a catalog from the central directory and the object headers. Each object in the container has a corresponding entry in the catalog which includes the member name (and path), size, a 32 bit CRC of the object contents as well as the size and CRC of the object header. In the present invention, upon receiving a container for the first time, the SSI constructs and caches its catalog. This allows for a point of reference to determine whether the objects of a container have changed as further instances of the container are passed through the SSI. When a container with the same name as one that has previously passed through the SSI is routed through the SSI, the SSI uses some unique identifier for the container (e.g., time stamp, server entity tag, or computed CRC) to determine if the newly arrived container is different from the one previously passed through the SSI. If the new container is the same, no update is required. If the new container is different, then the SSI must determine which

objects of the container are different. BITTINGER, col. 3, line 54-col. 4, line 9.

Neither the directory nor the objects in each container indicates an update status of the container. The SSI has to compare an identifier of both old and new containers to determine whether the old container should be updated. In contrast, claim 1 recites a record (for each set of files) including a plurality of fields that indicates at least an update status of the corresponding set of files, without having to compare an identifier of the set of files to an identifier of another set of files.

Based on the foregoing, neither HUSTON nor BITTINGER (nor a combination of these references) discloses or suggests the record as recited in claim 1. Thus, claim 1 should be in condition for allowance

B. Claims 2-12

Claims 2-12 are dependent upon claim 1 and therefore should also be in condition for allowance.

C. Claim 13

Independent claim 13 recites a computer program product comprising logic code that, when executed, perform the steps as recited in claim 1. Based on Applicant's foregoing arguments with respect to claim 1, Applicant believes that claim 13 is also in condition for allowance.

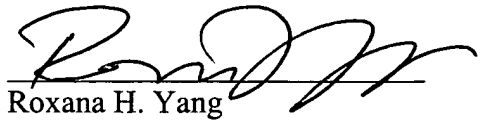
D. Claims 14-24

Claims 14-24 are dependent upon claim 13 and therefore should also be in condition for allowance.

III. Conclusion

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

By: 

Roxana H. Yang
Registration No. 46,788

PatentEsque Law Group
P.O. Box 400
Los Altos, CA 94023
(650) 948-0822